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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANNE L. THART, an individual and
trustee of THE ANNE L. THART
LIVING TRUST DATED JULY 1,
1998; RUSSELL CHADWICK
MCALLISTER, an individual and
trustee of THE MCALLISTER
FAMILY TRUST; AMY
MCALLISTER, an individual and
trustee of THE MCALLISTER
FAMILY TRUST; JOSEPH A.
PROCOPIO, an individual and trustee of
THE JOSEPH A. PROCOPIO SR.
FAMILY TRUST; GLENN T. PINDER,
an individual and sole member of
PINDER ENTERPRISES, LLP,

Plaintiffs,

vs.

COLLIERS INTERNATIONAL
GROUP, INC., a Canadian corporation;
MILLCREEK COMMERCIAL
PROPERTIES, LLC, a Utah limited
liability company; MILLROCK

CASE NO.: 2:24-cv-10876-CV-E

**JOINT STATUS REPORT IN
ADVANCE OF SCHEDULING
CONFERENCE**

Date: September 19, 2025

Time: 1:30 p.m.

Courtroom: 10B

District Judge: Hon. Cynthia Valenzuela

Magistrate Judge: Hon. Charles F. Eick

Complaint Filed: 12/18/2024

1 INVESTMENT FUND 1, LLC, a Utah
2 limited liability company; KEVIN
3 LONG, an individual; BRENT SMITH,
4 an individual; DOUGLAS SCHEEL, an
5 individual; TROY SCHEEL, an
6 individual; MOUNTAIN WEST
7 COMMERCIAL LLC, a Utah limited
8 liability company; MEGAN DESTITO,
9 an individual; CAMS REALTY, LLC, a
Utah limited liability company; KGL
ADVISORS, LLC, a Utah limited
liability company; and DOES 1-10,
inclusive,

Defendants.

MEGAN DESTITO,

Counter-Claimant,

vs.

ANNE L. THART, an individual and
trustee of THE ANNE L. THART
LIVING TRUST DATED JULY 1,
1998; and ROES 1 through 5, inclusive,

Counter-Defendants.

1 TO THE COURT, THE PARTIES AND ATTORNEYS OF RECORD:

2 Counsel for the parties held a video conference on August 28, 2025, at 10:00 a.m.
3 PST in advance of the Scheduling Conference.

4 The parties already submitted a Joint Rule 26(f) Report on March 14, 2025. (DE #
5 65). The Court already issued a Scheduling and Trial Order (the “Scheduling Order”)
6 setting the pretrial and jury trial dates. (DE # 132). Plaintiffs and Defendants, having met
7 and conferred, and in advance of the Scheduling Conference set for September 19, 2025,
8 at 1:30 p.m. (DE # 129), disagree as to whether various case deadlines contained in the
9 Scheduling Order need to be extended because discovery is currently stayed and has been
10 stayed since April 18, 2025 pursuant to 15 U.S.C. § 78u-4. The signatures of counsel for
11 Defendants who have approved this Joint Status Report are affixed below.

12 More specifically, the parties make the following relevant disclosures:

- 13 1. The Parties acknowledge that discovery is currently stayed, pursuant to 15
14 U.S.C. § 78u-4, during the pendency of the various FRCP 12(b) motions, and
15 that due to the April 18, 2025 commencement of the stay, the Parties have been
16 prevented from commencing or taking any discovery yet in this case;
- 17 2. Plaintiffs submit that the Complaint’s Third Claim for Relief for Financial Elder
18 Abuse is alleged by Plaintiff Glenn T. Pinder, age 87. Although federal
19 procedure does not provide for expedited proceedings analogous to California
20 *Code of Civil Procedure* § 36 (trial preference for a party 70 years of age or
21 older), it is respectfully requested that the Court exercise its discretion, under 28
22 U.S.C. § 1657, to accelerate the timeline on the pending FRCP 12(b) motions
23 due to the Plaintiff’s age. *See Wakefield v. Global Financial Private Capital,*
24 *LLC*, No. 15cv0451, 2015 WL 12699870, * 3 (S.D. Cal. Sept. 17, 2015) (“...the
25 court declares this matter is appropriate for preferential trial setting and
26 instructs the parties to schedule a case management conference forthwith...”);
27 *In re Roundup Products Liability Litigation*, MDL No. 2741, No. 16-md-
28 02741-VC, No. 21-cv-4219, 2021 WL 5149860, *1 (N.D. Cal. Nov. 4, 2021)

1 (preferential trial setting denied but expedited trial preservation deposition
2 ordered).

- 3 3. Defendants CAMS Realty, LLC (“CAMS”) and Destito, through counsel,
4 submit that the present schedule as set forth in the Court’s July 30, 2025
5 Scheduling and Trial Order (Doc. 132) should be amended and deadlines
6 extended because the stay on discovery pending the Court’s decisions on the
7 FRCP 12(b) motions does not provide adequate time for (i) completion of fact
8 discovery (present deadline is January 30, 2026), (ii) expert disclosures, rebuttal
9 and discovery (present deadlines respectively are February 6, 2026, February
10 20, 2026, and March 6, 2026), (iii) submission and hearing on motions for
11 summary judgment (presently the last hearing date is March 24, 2026); and the
12 various trial filings and trial now scheduled for July 14, 2026. CAMS and
13 Destito suggest that the parties meet and confer and propose new scheduling
14 dates for the Court’s consideration. Plaintiffs oppose the requested relief.
- 15 4. Defendants Brent Smith and Millrock Investment Fund 1, LLC (the “Millrock
16 Defendants”), and Defendant Kevin Long (“Long”), acknowledge that
17 discovery in this matter is statutorily stayed pursuant to 15 U.S.C. § 78u-4,
18 during the pendency of the pending and fully briefed FRCP 12(b) motions. In
19 the interest of efficiency, the Millrock Defendants and Long join in Defendants’
20 position in paragraph 3 above regarding the current fact discovery, expert
21 disclosure, summary judgment, trial and related deadlines and propose that the
22 parties meet and confer to propose and move the Court for revised case
23 deadlines within fourteen (14) days of the Court’s ruling on the pending
24 motions to dismiss. Plaintiffs oppose the requested relief.
- 25 5. The Parties uniformly request that the parties be permitted appear remotely at
26 the scheduling conference set for September 19, 2025 at 1:30 p.m. via ZOOM
27 or an alternative approved by the Court. In support of this request, the parties
28 state that lead counsel for CAMS Realty, LLC and Long, and for the Millrock

1 Defendants, are located in Utah and Missouri, respectively. Remote appearance
2 at the scheduling conference will promote efficiency and minimize unnecessary
3 costs and hardship, and no parties object to such remote appearance.
4

5 Dated: September 5, 2025 REIF LAW GROUP, P.C.
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7
8 By: /s/ Marc S. Ehrlich

9 Marc S. Ehrlich
10 Attorney for Plaintiffs

11 *I, Marc S. Ehrlich, attest that all other signatories,*
12 *and on whose behalf this filing is also submitted,*
13 *concur with and have authorized the filing.*

14 Dated: September 5, 2025 PARR BROWN GEE AND LOVELESS
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16 By: /s/ Bentley J. Tolk
17

18 Bentley J. Tolk

19 Attorney for Defendant Kevin Long
20

21 Dated: September 5, 2025 BERKOWITZ OLIVER LLP
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23 By: /s/ Timothy D. Wallner
24

25 Timothy D. Wallner

26 Attorney for Defendants
27 Brent Smith and Millrock Investment Fund I, LLC
28

1 Dated: September 5, 2025 STRONG AND HANNI

2
3 By: /s/ Stuart H. Schultz

4 Stuart H. Schultz

5 Attorney for Defendant
6 CAMS Realty, LLC
7

8 Dated: September 5, 2025 REICKER, PFAU, PYLE & McROY, LLP

9
10 By: /s/ Robert B. Forouzandeh

11 Robert B. Forouzandeh
12 Alec R. Simpson

13 Attorneys for Defendants
14 Megan Destito and Southern California Exchange
15 Services, LLC
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